



St. Onge Steward Johnston & Reens LLC

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January 17, 2002

Ms. Sharene Willis
Assistant Commissioner for Patents
United States Patent & Trademark Office
Office of Petitions
Washington DC 20231
BOX DAC

Attention: Ms. Sharene Willis

RE: US Application entitled *Polymeric Medium for the Retention of Reagent Species For Use in a Hand Held Device For teh Relatively Rapid Detection of the Presence of an Analyte of Interest in a Sample*, to DiCeasare et al.

Dear Ms. Willis:

This confirms our recent telephone conversation that you have searched for our recent petition for communication never received, and were not able to locate the petition, or above-referenced lost patent application.

Enclosed is a complete copy of our file. Please review this case, and proceed with evaluating the petition on the merits.

Should any fee be required in connection with the filing of this petition, as well as the filing of the enclosed patent application, please charge such fees to Deposit Account No. 19-4516 (St. Onge Steward Johnston & Reens).

Respectfully submitted,

Michael Krenicky, Reg. No. 45,411

Enclosure



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

**MONTHLY STATEMENT
OF DEPOSIT ACCOUNT**

To replenish your Deposit Account, detach and return top portion with your check. Make check payable to Commissioner of Patents & Trademarks.

ST. ONGE STEWARD JOHNSTON & REENS
ELIZABETH POTTER
986 BEDFORD STREET
STAMFORD CT 06905

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MAY 06 2002

Account No.	194516
Date	3-29-02
Page	1

PLEASE SEND REMITTANCES TO:
Patent and Trademark Office
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Chicago, Ill. 60673

DATE POSTED			CONTROL NO.	DESCRIPTION (Serial, Patent, TM, Order)	DOCKET NO.	FEE CODE	CHARGES/ CREDITS	BALANCE
MO.	DAY	YR.						
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3	1	02	9	09656384	02931-P0050A	102	84.00	22419.24
3	1	02	10	09656384	02931-P0050A	103	36.00	22383.24
3	4	02	8	09383242	3142 P0023A	PL-4528	324.00	22059.24
3	4	02	9	09383242	PL-4528	102	420.00	21639.24
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3	7	02	7	76211073	3203-G0009	361	325.00	20394.24
3	7	02	51	PCT/US01/06262	1801-P0021AWO	704	-16.00	20410.24
3	8	02	5	→ 09887703	03141-P0349A	101	710.00	19700.24
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3	19	02	5	PCT/US02/01076	3317P0014BWO	151	238.00	18741.24
3	20	02	88	PCT/US02/07230	3507P0002BWO	899	193.00	18548.24
3	20	02	90	PCT/US02/07230	3507P0002BWO	566	30.00	18518.24
3	21	02	12	75554350	2460-T0005A	704	-300.00	18818.24
3	21	02	183	PCT/US01/25348	3458P0009AWO	803	9.00	18809.24
3	22	02	7	PCT/US02/00170	3406P0001AWO	899	-296.00	19105.24
3	22	02	9	PCT/US02/00170	3406P0001AWO	899	208.00	18897.24
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3	28	02	67	60367133	02315-P0025A	114 214	50.00	18887.24

AN AMOUNT SUFFICIENT TO
COVER ALL SERVICES REQUESTED
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OPENING BALANCE	TOTAL CHARGES	TOTAL CREDITS	CLOSING BALANCE
22903.24	4752.00	736.00	18887.24



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O I P E
SEP 03 2002
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ELIZABETH POTTER
4986 BEDFORD STREET
STAMFORD CT 06905

FINA

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DATE POSTED		CONTROL NO.	DESCRIPTION (Serial, Patent, TM, Order)	DOCKET NO.	FEE CODE	CHARGES/ CREDITS	BALANCE
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5	31	02	1	09068884	03475P0006AW	116 290.00	15899.24

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JUN 28 2002

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18485.24

TOTAL CHARGES
2640.00

TOTAL CREDITS
54.00

CLOSING BALANCE
15899.24

*** ON INDICATES OVERDRAWN



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APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/887,703	03/29/2001	1743	710	03141-P0349A	6	16	1

CONFIRMATION NO. 3422

24126

ST. ONGE STEWARD JOHNSTON & REENS, LLC
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STAMFORD, CT 06905-5619

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St. Ongé Steward Johnston & Reens OC000000008158329

FILING RECEIPT



MAY 24 2002

W MWL
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Date Mailed: 05/21/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Joseph L. DiCesare, Redding, CT;
John T. McCaffrey, Cheshire, CT;

Domestic Priority data as claimed by applicant

THIS APPLN CLAIMS BENEFIT OF 60/193,519 03/31/2000

Foreign Applications**If Required, Foreign Filing License Granted 04/02/2002****Projected Publication Date:** To Be Determined - pending completion of Corrected Papers**Non-Publication Request:** No**Early Publication Request:** No**Title**

Polymeric medium for the retention of reagent species for use in a hand-held device for the relatively rapid detection of the presence of an analyte of interest in a sample

Preliminary Class



O I P E
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FILE 3141-P0349A
DKT 61702-151

CORRECTED
NOTICE

JUNE 05, 2002

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WESLEY W. WHITMYER, JR.
986 BEDFORD STREET
STAMFORD, CT 06905-5619

Commissioner for Trademarks
Arlington, VA 22202-3513
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102108075A

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 03/29/2001

REEL/FRAME: 012630/0892
NUMBER OF PAGES: 4

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

DICESARE, JOSEPH L.

DOC DATE: 03/23/2001

ASSIGNOR:

MCCAFFREY, JOHN T.

DOC DATE: 03/23/2001

ASSIGNEE:

PERKINELMER INSTRUMENTS LLC
761 MAIN AVENUE
NORWALK, CONNECTICUT 06859-0119

SERIAL NUMBER: 09887703

FILING DATE: 03/29/2001
ISSUE DATE:

PATENT NUMBER:

MARGARET LASALLE, PARALEGAL
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS



03C0

PATENT
03141-P0349A WWW/MWK

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants	Joseph L. DiCesare, et al.
Serial Nos. 09/645,977 & 09/887,703	Filing Date: March 29, 2001
Title of Application:	Polymeric medium for the Retention of Reagent Species for Use in a Hand-Held Device for the Relatively Rapid Detection of the Presence of an Analyte of Interest in a Sample
Confirmation No.	Group Art Unit:

Box DAC
Assistant Commissioner for Patents
Washington, DC 20231

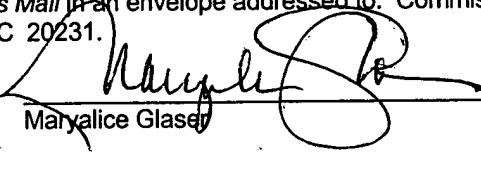
Request to Merge Pending Patent Applications

Dear Sir:

Applicant hereby petitions the Commissioner to merge the above-captioned Patent Applications into a single file based upon Applicant's understanding that two serial numbers were assigned to a single patent application upon resolution of Applicant's previously filed Petition For Correspondence Never Received dated October 25, 2001. Applicant respectfully requests that U.S. Application Serial No. 09/645,977, be merged into U.S. Application Serial No. 09/887,703, such that only one U.S. Application Serial No. 09/887,703, remains pending and incorporates all of Serial No. 09/645,977 by reference.

Mailing Certificate: I hereby certify that this correspondence is today being deposited with the U.S. Postal Service as *First Class Mail* in an envelope addressed to: Commissioner for Patents and Trademarks; Washington, DC 20231.

August 27, 2002


Maryalice Glaser

Adjustment date: 03/16/2003 AKELLEY
05/02/2002 AKELLEY 0000003-194516 09645977
01 FC:101 710.00 CR

Page 2
Serial No. 09/645,977
Serial No. 09/887,703
August 27, 2002

On March 29, 2001, the above-referenced patent application was mailed "express mail" to the United States Patent and Trademark Office. The file was apparently lost in the mail, or misplaced by the Office.

On October 26, 2001, the Applicant submitted a Petition For Correspondence Never Received dated October 25, 2001.

On or about January 17, 2002, after receiving no response to Petition For Correspondence Never Received, Applicant performed an informal status check as to the pending Petition For Correspondence Never Received. Applicant was informed that the Petition For Correspondence Never Received was not locatable at the USPTO. Applicant was instructed to resend a duplicate copy of the Petition For Correspondence Never Received directly to Ms. Shirene Willis, of the Office of Petitions. Applicant resent a duplicate copy of Petition For Correspondence Never Received on January 17, 2002, with instructions to charge any fees associated therewith to Deposit Account No. 19-4516. (See Exhibit A, letter from Michael Krenicky to Shirene Willis dated January 17, 2002).

On March 7, 2002 Applicant received a first Decision Granting Petition For Correspondence Never Received from Ms. Willis (Exhibit B). That petition also provided the above-referenced In re Application of DiCesare *et al.* with application No. 09/887,703.

On May 10, 2002, Applicant received a second Decision Granting Petition For Correspondence Never Received from Mr. James Engel (Exhibit C). That petition also provided what appears to be the same In re Application of DiCesare *et al.* with application No. 09/645,977.

By comparing Exhibits B and C, Applicant believes that two different Application Serial Nos. were erroneously assigned to the same patent application because both decisions relate to a copy of the original patent application papers showing Express Mail label No. EL 574 209 483 US. This is further evidenced by the fact that the two decisions relate to the same Inventor, having the same filing date, and the same attorney docket number. Applicant suspects that the first filed Petition For Correspondence Never Received resur-

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Serial No. 09/645,977
Serial No. 09/887,703
August 27, 2002

faced or became locatable at the USPTO only after the first decision, expedited by Ms. Willis was granted.

Exhibit C, instructs Applicant to notify this Office (Petitions) if the original application papers are subsequently discovered in the Office so that the present duplicate file can be merged with the original papers and any duplicate filing refunded. Although the original application has not been located, the present case is similar, and Applicant requests Petitions to merge the above-captioned Patent Applications into a single file based upon Applicant's understanding that two serial numbers were assigned to a single patent application upon resolution of Applicant's previously filed Petition For Correspondence Never Received dated October 25, 2001. Applicant respectfully requests that U.S. Application Serial No. 09/645,977, be merged into U.S. Application Serial No. 09/887,703, such that only one U.S. Application Serial No. 09/887,703 remains pending and incorporates all of Serial No. 09/645,977 by reference.

Duplicate Filing Refund

Exhibit D is a Monthly Statement of Deposit Account dated 3/29/02. This statement indicates that deposit account no. 194516 was charged a \$710.00 filing fee for patent Serial No. 09887703, (Docket No. 3141-P0349A) on 3/8/02. Additionally a \$40.00 assignment fee was charged on 3/8/02.

Exhibit E is a Monthly Statement of Deposit Account dated 5/31/02. This statement indicates that deposit account no. 194516 was charged a \$710.00 filing fee for patent Serial No. 09645977, (Docket No. 3141-P0349A) on 5/2/02. Additionally a \$40.00 assignment fee was charged on 5/2/02.

Applicant respectfully request that its duplicate filing be refunded to St. Onge Steward Johnston & Reens' deposit account no. 194516.

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Serial No. 09/645,977
Serial No. 09/887,703
August 27, 2002

Duplicate Filing Receipts Have Been Received

Exhibit F is a filing receipt issued for Application Serial No. 09/887,703.

Exhibit G is a filing receipt issued for Application Serial No. 09/645,977.

Based upon Applicant's understanding that these filing receipts are for the same patent application, the filing receipts should be merged into one file, preferably 09/887,703.

Assignment of Patent Application

Applicant received an assignment recordation for the above-referenced patent Application bearing Serial No. 09645977 on May 3, 2002 after applicant received first petition grant assigning Serial No. 09887703 (Exhibit B). Applicant immediately informed the Assignment division that the Serial No on reel/frame 12630/0892 was incorrect and corrected the number to 09887703. Merging patent Application Serial No. 09645977 into Serial No. 09887703 would ensure accuracy of the corrected notice of recordation of assignment document mailed by the USPTO on June 5, 2002 (Exhibit H).

Should the Petitions Office have any questions about this request to merge, it is invited to contact Michael Krenicky at (203) 324-6155 at the Law Offices of St. Onge Steward Johnson & Reens.

Respectfully submitted,

8/27/02
Date



Wesley W. Whitmyer, Jr., Reg. No. 33,558
Michael W. Krenicky, Registration No. 45,411
Attorneys for Applicants /
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